

**Committee on Natural Resources**  
**1324 Longworth House Office Building**  
**May 15, 2019**  
**10:00 a.m.**

Oversight Hearing on  
“U.S. Department of the Interior Budget and Policy Priorities for FY 2020”

**Questions from Rep. Van Drew** for Secretary David Bernhardt, U.S. Department of the Interior

1. Secretary Bernhardt, the Department of Interior overturned decades of consistent interpretation of the Migratory Bird Treaty Act covering incidental take, and the effects of that decision are starting to come to light.
  - a. Is the U.S. Fish and Wildlife Service able to still bring enforcement actions against companies that incidentally kill birds?
  - b. What if another Deepwater Horizon -type disaster occurs, and thousands of birds are killed, would the company that caused the disaster be held liable under the MBTA?
2. We hear that regulations are being developed to implement the new legal opinion. Will they provide an avenue for holding companies liable?
3. Do you think that there is a pathway to a solution that both benefits bird conservation and provides industry with regulatory certainty without undermining the intent of the MBTA and our commitments under treaties with other countries to protect migratory birds?